

## **Plaintiffs' Exhibit G**

**LINDA WALLESCHAUSER**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

-----  
SIERRA BOUCHER, LILY ENGBRECHT,  
NATASSIA TUHOVAK, HANNAH WHELAN, and  
CASSIDY WOOD,

Plaintiffs,

- against -                   Case No.  
                                    1:22-cv-00381-CCR

TRUSTEES OF CANISIUS COLLEGE,

Defendant.

-----  
  
Examination before trial of **LINDA**  
**WALLESCHAUSER**, taken pursuant to the Federal Rules  
of Civil Procedure, in the offices of JACK W.  
HUNT & ASSOCIATES, INC., 1120 Liberty Building,  
Buffalo, New York, on September 27, 2024,  
commencing at 1:52 p.m., before LORI K. BECK, CSR,  
CM, Notary Public.

14:05:55 1 resources complaints and investigations, if any,  
14:05:57 2 correct?

14:05:58 3       **A.**     Correct.

14:06:00 4       **Q.**     Okay. Did you learn about complaints  
14:06:09 5 regarding Dr. Noonan prior to the spring of 2019?

14:06:16 6       **A.**     No.

14:06:18 7       **Q.**     When is the first time that you became  
14:06:21 8 aware of a complaint regarding Dr. Noonan's  
14:06:25 9 conduct?

14:06:25 10      **A.**     At the end of January of 2019.

14:06:29 11      **Q.**     And who made you aware of that?

14:06:31 12      **A.**     Dr. Sue Margulis and Dr. Liz Hogan.

14:06:42 13      Elizabeth Hogan, excuse me.

14:06:44 14      **Q.**     And did Dr. Hogan and Dr. Margulis --  
14:06:47 15      did they make you aware of complaints regarding  
14:06:49 16      Dr. Noonan's conduct at the same time, or how did  
14:06:51 17      it happen?

14:06:52 18      **A.**     Dr. Margulis met with me first, and  
14:06:57 19      then Dr. Hogan met with me separately afterwards.

14:07:01 20      **Q.**     Okay. And what prompted Dr. Margulis  
14:07:04 21      to come to you in January of 2019?

14:07:07 22      **MR. D'ANTONIO:** Objection to form. Are you  
14:07:08 23      asking what's -- what prompted her to come?

14:07:12 1 **MS. NANAU:** Yes.

14:07:12 2 **BY MS. NANAU:**

14:07:12 3 Q. What was the substance of the

14:07:14 4 complaint --

14:07:14 5 **MR. D'ANTONIO:** That's different.

14:07:15 6 **BY MS. NANAU:**

14:07:16 7 Q. -- that Dr. Margulis related to you in

14:07:18 8 January of 2019?

14:07:20 9 A. She advised me that several students  
14:07:24 10 had come forth to speak with her regarding concerns  
14:07:28 11 about Dr. Noonan's behaviors, most recently at that  
14:07:34 12 time on the trip to India that the students were  
14:07:38 13 involved in.

14:07:40 14 Q. Okay.

15 **The following was marked for Identification:**

16 **PLF. EXH. 79** **Investigation Summary, Bates**  
17 **numbers CANISIUS 000487**  
18 **through CANISIUS 000490**

14:09:22 19

14:09:22 20 **BY MS. NANAU:**

14:09:24 21 Q. So I show you what's been marked as  
14:09:26 22 Plaintiffs' 79. It is a multi-page document  
14:09:30 23 produced by the Defendant, and the Bates stamp

14:09:34 1 range is CANISIUS 487 to 490.

14:09:38 2 Ms. Walleshauser, do you recognize this  
14:09:41 3 document?

14:09:41 4 **A.** I do.

14:09:42 5 **Q.** Is this a document that you developed?

14:09:45 6 **A.** Yes.

14:09:45 7 **Q.** Okay. Did you develop it with anyone's  
14:09:48 8 assistance?

14:09:51 9 **MR. D'ANTONIO:** You mean actual drafting as  
14:09:53 10 opposed to the information being provided?

14:09:56 11 **MS. NANAU:** Exactly.

14:09:56 12 **BY MS. NANAU:**

14:09:57 13 **Q.** In the actual drafting.

14:09:58 14 **A.** In the drafting, no.

14:09:59 15 **Q.** Okay. And with regard to the  
14:10:03 16 information provided by other sources, is that  
14:10:08 17 confined to the last page?

14:10:11 18 **A.** Yes.

14:10:12 19 **Q.** Okay. So is it fair to say that the  
14:10:19 20 last page is an investigation timeline with regard  
14:10:23 21 to complaints raised about Dr. Noonan's misconduct  
14:10:27 22 during the spring of 2019?

14:10:30 23 **A.** Yes.

14:10:31 1           **Q.**     Okay. So it looks like the first point  
14:10:37 2 in this timeline is January 28th, 2019, and what's  
14:10:43 3 memorialized is a meeting with Dr. Sue Margulis,  
14:10:48 4 and then it says, slash: General student concerns.

14:10:51 5           Did I read that correctly?

14:10:53 6           **A.**     Yes.

14:10:53 7           **Q.**     Okay. And do you -- you related to me  
14:10:57 8 that Dr. Margulis came to you to share concerns  
14:11:02 9 that students had raised about Dr. Noonan.

14:11:11 10          The context of some of those concerns was  
14:11:13 11 the trip to India in December and January '19 --  
14:11:17 12 I'm sorry, December and January -- December 2018 to  
14:11:22 13 January 2019, correct?

14:11:23 14          **A.**     Correct, yes.

14:11:24 15          **Q.**     And were you -- were you aware of when  
14:11:27 16 other students raised complaints with Dr. Margulis  
14:11:31 17 regarding Dr. Noonan's conduct?

14:11:36 18          **A.**     Can you repeat that, please.

14:11:37 19          **Q.**     Sure. Were you aware of when other  
14:11:41 20 students other than the Project Tiger students who  
14:11:44 21 went on the India trip -- when they raised their  
14:11:47 22 complaints to Dr. Margulis?

14:11:50 23          **MR. D'ANTONIO:** Objection to form. You may

14:50:39 1 complaints regarding issues with Dr. Mike Noonan?

14:50:44 2 If so, can we schedule a brief call at your  
14:50:48 3 convenience?

14:50:48 4 Did I read that correctly?

14:50:50 5 **A.** Yes.

14:50:50 6 **Q.** So why did you send this email to  
14:50:53 7 Dr. Mangione if she had a method of memorializing  
14:51:00 8 all of the complaints that were raised with her?

14:51:03 9 **A.** I felt it was important to get a verbal  
14:51:06 10 confirmation from her, and I knew her very well and  
14:51:11 11 felt it was appropriate to -- to reach out.

14:51:15 12 I -- even though I had checked her records  
14:51:17 13 and did not find anything, I felt it was important  
14:51:21 14 to talk with her.

14:51:22 15 **Q.** You knew Dr. Mangione very well because  
14:51:26 16 she was the Title 9 coordinator at Canisius during  
14:51:29 17 the time that you worked there, correct?

14:51:31 18 **A.** She was also the vice-president for  
14:51:33 19 student affairs, and I worked with her on the  
14:51:38 20 leadership team, so I had a very close working  
14:51:44 21 relationship with her in that capacity as well.

14:51:46 22 **Q.** Got it. So she -- Dr. Mangione wrote  
14:51:54 23 you back, correct?

14:51:55 1           **A.**     Yes.

14:51:56 2           **Q.**     And the email is on the first page,  
14:51:59 3           correct?

14:51:59 4           **A.**     Yes.

14:52:00 5           **Q.**     And she writes: I do not -- in the  
14:52:04 6           second -- or third sentence:

14:52:07 7                 I do not recall receiving any Title 9  
14:52:09 8                 related complaints involving Dr. Mike Noonan. I  
14:52:13 9                 recall that in her lawsuit against Canisius, and  
14:52:17 10               then there is a name that's redacted, made  
14:52:20 11               accusations -- I think it should be that Dr. Noonan  
14:52:24 12               inappropriately touched another student, but that  
14:52:28 13               alleged student never filed a complaint with me,  
14:52:32 14               and I checked with Dr. Ellen Conley, who was the  
14:52:37 15               Title 9 coordinator until June 2013, and she did  
14:52:42 16               not recall a complaint being filed against  
14:52:44 17               Dr. Noonan.

14:52:45 18                 Did I read that correctly?

14:52:46 19           **A.**     Yes.

14:52:50 20           **Q.**     The lawsuit against Canisius that is  
14:52:53 21               referenced here, was that a lawsuit brought by  
14:52:57 22               Morgan Dunbar?

14:52:59 23           **A.**     From my understanding, yes.

14:53:10 1           **Q.**     And then Dr. Mangione wrote that she  
14:53:20 2 checked with Dr. Ellen Conley, who was the Title 9  
14:53:25 3 coordinator until June 2013.

14:53:27 4           I guess I'm wondering: Did you understand  
14:53:30 5 Dr. Mangione to state that she had, in 2019,  
14:53:35 6 checked with Dr. Conley about whether a Title 9  
14:53:40 7 complaint had been filed by a student against  
14:53:43 8 Dr. Noonan or that in 2013 she had checked with  
14:53:49 9 Dr. Conley about a Title 9 complaint regarding  
14:53:53 10 Dr. Noonan?

14:53:54 11          **MR. D'ANTONIO:** Objection to form. You've  
14:53:56 12 got the document. Are you asking what she  
14:53:59 13 understands?

14:54:00 14          **MS. NANAU:** I'm asking what she understood  
14:54:03 15 the email from Dr. Mangione to mean.

14:54:05 16          **THE WITNESS:** I was understanding that she  
14:54:07 17 had checked with Dr. Conley recent -- at that time  
14:54:11 18 to confirm.

14:54:11 19          **BY MS. NANAU:**

14:54:12 20          **Q.**     In 2019?

14:54:14 21          **A.**     Yes. That was my understanding.

14:54:15 22          **Q.**     Okay. Do you know if the Canisius  
14:54:25 23 Title 9 policy in 2013 required mandatory reporters

**A.** Oh, I'm sorry. Yes, that's correct.

15:12:42 2 Q. Okay. So I'm particularly interested  
15:12:45 3 in asking you about a bias report that starts on  
15:12:50 4 1749 and 1750, so it's, yeah, these little  
15:12:55 5 right-hand numbers.

15:12:57 6                   **MR. D'ANTONIO:** Yeah, but we don't have them  
15:12:59 7 on this.

15:13:00 8 (Off the record: 3:13 p.m.)

15:14:55 9 (On the record: 3:14 p.m.)

15:14:57 11 | BY MS. NANAU:

15:14:57 12 Q. So what is this two-page document,  
15:15:01 13 Ms. Walleshauser?

15:15:02 14                   **A.**     This is the -- an actual bias report  
15:15:05 15 form that was received.

15:15:08 16 Q. And is the date of receipt  
15:15:12 17 February 12th, 2019?

15:15:15 18 | **A.** Yes .

15:15:17 19 Q. And this is an anonymous complaint,  
15:15:23 20 correct?

15:15:23 21                   **A.**       That's right.

15:15:24 22 Q. And do you know if the -- if Canisius  
15:15:29 23 received this complaint prior to February 12th,

15:15:32 1 2019?

15:15:34 2           **A.**     This is date stamped and received on  
15:15:37 3 February 12th --

15:15:38 4           **Q.**     Okay.

15:15:38 5           **A.**     -- through the system, the Qualtrics  
15:15:43 6 system.

15:15:49 7           **Q.**     What is Qualtrics?

15:15:50 8           **A.**     It's a reporting tool. It's a software  
15:15:54 9 that's -- that was used.

15:15:56 10          **Q.**     When did Canisius implement this  
15:16:00 11 Qualtrics system, do you know?

15:16:02 12          **A.**     I don't know.

15:16:07 13          **Q.**     Okay. Are you aware that students are  
15:16:09 14 permitted to submit comments to Canisius regarding  
15:16:15 15 the classes that they've taken at the end of a  
15:16:18 16 semester?

15:16:19 17          **A.**     Yes.

15:16:21 18          **Q.**     In your capacity as the interim  
15:16:25 19 Title -- Title 9 coordinator for faculty and staff,  
15:16:28 20 did you review student comments of the classes that  
15:16:34 21 they took at Canisius?

15:16:37 22          **A.**     For all faculty?

15:16:41 23          **Q.**     Yes.

15:16:42 1           **A.**     No.

15:16:42 2           **Q.**     Did you review the student comments?

15:16:44 3           **A.**     No, this -- the -- those comments were

15:16:48 4 not available to me to review.

15:16:52 5           **Q.**     Who -- who gets the student comments at

15:16:55 6 the end of a semester?

15:16:57 7           **A.**     To my understanding, the department

15:16:59 8 chairs receive them.

15:17:04 9           **Q.**     If a department chair receives a

15:17:07 10 comment that makes claims regarding alleged sexual

15:17:17 11 misconduct by a faculty member, are they required

15:17:20 12 to report that comment to the Title 9 coordinator?

15:17:25 13           **A.**     In that situation, yes.

15:17:27 14           **Q.**     Okay.

15       **The following was marked for Identification:**

16       **PLF. EXH. 83                                  Course Evaluations |**

17    **Anthology, Bates numbers**

18    **Canisius06933 through**

19    **Canisius06940**

15:18:25 20

15:18:25 21           **BY MS. NANAU:**

15:18:25 22           **Q.**     So I'm going to direct your attention

15:18:29 23 in Plaintiffs' 83, which is a document with the

15:18:34 1 Bates-stamp range 6933 to 6940.

15:18:43 2 I'm going to direct your attention to the  
15:18:45 3 second to last page.

15:18:53 4 **A.** Okay.

15:18:56 5 **Q.** And it's the last point on this page  
15:19:02 6 starting with: Dr. Noonan is not the kind of man I  
15:19:06 7 want to be spending my money on to be teaching me.

15:19:09 8 Do you see that?

15:19:10 9 **A.** I do.

15:19:12 10 **Q.** And do you see that this February 12th,  
15:19:17 11 2019, has -- this bias report form has the exact  
15:19:26 12 same first sentence?

15:19:27 13 **A.** Yes.

15:19:29 14 **Q.** And would you agree with me that the  
15:19:34 15 bias report form from February 12th, 2019, is  
15:19:40 16 verbatim what appears on 6939?

15:19:44 17 **A.** Yes.

15:19:45 18 **Q.** Okay. And these comments -- or the  
15:19:52 19 comments that are in Plaintiffs' 83 are from a  
15:19:57 20 summary report of student comments relating to  
15:20:03 21 Dr. Noonan from the fall of 2018, correct?

15:20:07 22 **MR. D'ANTONIO:** The course was in the fall  
15:20:08 23 of 2018. The document isn't dated.

15:20:17 1           **MS. NANAU:** Well, that -- that's true that  
15:20:18 2 there is no perceived date that I can see.

15:20:18 3           **BY MS. NANAU:**

15:20:22 4           **Q.** I guess my question is,

15:20:26 5 Ms. Walleshauser: Do you -- are you aware of when  
15:20:27 6 students are permitted to provide feedback on  
15:20:33 7 faculty performance?

15:20:34 8           Is it immediately at the conclusion of a  
15:20:37 9 class?

15:20:38 10          **A.** I'm -- I'm not aware of the schedule.

15:20:40 11          **Q.** Okay.

15:20:42 12          **A.** That's an academic responsibility.

15:20:46 13          **Q.** Were you aware of this -- that there  
15:20:48 14 had been a -- that the same comments reflected in  
15:20:53 15 the bias report from February 12th, 2019, had also  
15:20:58 16 appeared in comments submitted to Canisius  
15:21:02 17 regarding Dr. Noonan's performance as a professor  
15:21:07 18 in sex evolution and behavior in the fall of 2018?

15:21:11 19          **A.** I was not aware.

15:21:19 20          **Q.** Okay. Did there ever come a time  
15:21:20 21 during your investigation in 2019 where the student  
15:21:24 22 who provided this bias report form from  
15:21:28 23 February 12th, 2019 -- that the identity of that

15:28:03 1 I think some --

15:28:11 2           **THE WITNESS:** This -- this is the summary of  
15:28:15 3 the first meeting with Dr. Noonan and a summary of  
15:28:19 4 his responses on that particular day.

15:28:21 5           This is not the entire investigation  
15:28:24 6 summary.

15:28:24 7           **BY MS. NANAU:**

15:28:24 8           **Q.** Okay.

15:28:25 9           **A.** Yes. Yes.

15:28:27 10          **Q.** So this document is a summary of the  
15:28:37 11 meeting that you had with Dr. McCarthy and  
15:28:39 12 Dr. Noonan on February 21st, 2019, correct?

15:28:43 13          **A.** Yes.

15:28:45 14          **Q.** And at that meeting, you told  
15:28:48 15 Dr. Noonan that your role was as an investigator  
15:28:53 16 and fact finder, correct?

15:28:54 17          **A.** Yes.

15:28:55 18          **Q.** And you informed him that Canisius had  
15:28:59 19 received several complaints regarding his  
15:29:02 20 interactions with students and that is why you were  
15:29:05 21 meeting there today, correct?

15:29:08 22          **A.** Correct.

15:29:09 23          **Q.** And during the course of the meeting,

15:29:12 1 you afforded him with detail regarding the  
15:29:16 2 allegations of misconduct that had been attributed  
15:29:20 3 to him by the students who came forward in  
15:29:23 4 January and February of 2019, correct?

15:29:25 5 **A.** Correct.

15:29:25 6 **Q.** And you also provided him with an  
15:29:28 7 opportunity to respond to the allegations, correct?

15:29:31 8 **A.** Yes.

15:29:32 9 **Q.** And his response is memorialized in  
15:29:35 10 Plaintiffs' 74?

15:29:37 11 **A.** Yes.

15:29:39 12 **Q.** When you were in the meeting with  
15:29:41 13 Dr. Noonan and Dr. McCarthy, how did you  
15:29:47 14 memorialize Dr. Noonan's responses?

15:29:49 15 **A.** I was taking notes throughout the  
15:29:51 16 entire meeting on my computer.

15:29:54 17 **Q.** Okay. So you were typewriting --

15:29:56 18 **A.** Correct.

15:29:57 19 **Q.** -- responses?

15:29:58 20 **A.** Yes.

15:29:58 21 **Q.** Okay. And was there a draft of this  
15:30:02 22 document when you walked out of the meeting on  
15:30:07 23 February 21st, 2019?

15:34:24 1           **A.**     Correct.

15:34:25 2           **Q.**     Okay. At -- at the end of the  
15:34:40 3 February 21st, 2019 meeting, Dr. Noonan was  
15:34:43 4 informed that he was going to be put on paid leave,  
15:34:45 5 correct?

15:34:46 6           **A.**     Yes.

15:34:47 7           **Q.**     Okay. And --

15:34:51 8           **MR. D'ANTONIO:** Are you finished with that  
15:34:52 9 document?

15:34:53 10          **MS. NANAU:** I am.

15:34:53 11          **MR. D'ANTONIO:** Okay.

15:34:53 12          **BY MS. NANAU:**

15:34:54 13          **Q.**     And after February 21st, 2019, when you  
15:35:00 14 met with Dr. Noonan, is it true that you met with  
15:35:03 15 him outside of the Canisius campus?

15:35:06 16          **MR. D'ANTONIO:** Objection to form. May I  
15:35:08 17 have that back?

15:35:11 18          **MS. NANAU:** Let me strike that question.

15:35:13 19          **BY MS. NANAU:**

15:35:13 20          **Q.**     When you met with Dr. Noonan after  
15:35:15 21 February 21st, 2019, you did not meet with him on  
15:35:19 22 Canisius's campus, correct?

15:35:21 23          **MR. D'ANTONIO:** This is meetings after the

15:35:22 1 February 21st.

15:35:23 2 **MS. NANAU:** Yes.

15:35:24 3 **MR. D'ANTONIO:** I'm sorry.

15:35:25 4 **MS. NANAU:** Yes, that's what I said.

15:35:26 5 **THE WITNESS:** No, meetings with Dr. Noonan  
15:35:27 6 were all on the Canisius campus.

15:35:31 7 **BY MS. NANAU:**

15:35:31 8 **Q.** Okay. So even after --

15:35:31 9 **A.** Yes.

15:35:34 10 **Q.** -- February 21st.

15:35:35 11 **A.** Yes.

15:35:37 12 **Q.** Did they all take place in the same  
15:35:39 13 place?

15:35:40 14 **A.** Yes.

15:35:41 15 **Q.** And where was that?

15:35:42 16 **A.** The president's boardroom at Canisius.

15:35:46 17 **Q.** Is that like a conference room?

15:35:48 18 **A.** Yes.

15:35:50 19 **Q.** Okay. Then the next entry on your  
15:35:55 20 investigation timeline is Monday, February 25th,  
15:36:01 21 2019: Faculty statement provided, Dr. Christy  
15:36:05 22 Hoffman, additional email statement provided on  
15:36:09 23 2/27/19.

15:36:11 1 Did I read that correctly?

15:36:13 2 **A.** Yes.

15:36:13 3 **Q.** And then you have entries on Tuesday,  
15:36:17 4 2/26/19 reflecting a faculty statement provided by  
15:36:22 5 Dr. Suchak and Thursday, 2/28/19, a faculty  
15:36:30 6 statement provided by Dr. Russell, correct?

15:36:33 7 **A.** Correct.

15:36:35 8 **Q.** And you provided information regarding  
15:36:41 9 these faculty statements to Dr. McCarthy as well,  
15:36:44 10 correct?

15:36:44 11 **A.** Correct.

15:36:46 12 **Q.** Did you rely on Dr. McCarthy to convey  
15:36:49 13 the information in your reports to President  
15:36:52 14 Hurley?

15:36:56 15 **A.** I provided President Hurley the  
15:36:59 16 investigation summary, the full investigation  
15:37:03 17 summary.

15:37:05 18 **Q.** Okay. And the full investigation  
15:37:07 19 summary, is that comprised of documents that we've  
15:37:13 20 already reviewed?

15:37:14 21 **A.** Yes.

15:37:15 22 **Q.** And what are the documents that we've  
15:37:17 23 reviewed that was your investigation summary?

15:37:19 1           **A.**     The initial investigation summary from  
15:37:22 2 2/21.

15:37:23 3           **Q.**     So Plaintiffs' 74.

15:37:25 4           **A.**     Yes, and there is another summary from  
15:37:30 5 the follow-up meeting with Dr. Noonan on March 13th  
15:37:34 6 that included the faculty -- the faculty statements  
15:37:38 7 as well.

15:37:41 8           **Q.**     Okay.

15:37:42 9           **A.**     That was included. This was not the  
15:37:45 10 full investigation summary.

15:37:46 11           **MR. D'ANTONIO:** Plaintiffs' 74 was not the  
15:37:48 12 full investigation summary.

15:37:50 13           **THE WITNESS:** No. No, there was another  
15:37:52 14 document, and it would have included some of the --  
15:38:04 15 the exact same process with -- where --

15:38:07 16           **MR. D'ANTONIO:** Summarizing his answers.

15:38:08 17           **THE WITNESS:** Summarizing his answers, yes,  
15:38:10 18 correct.

15:38:11 19           **BY MS. NANAU:**

15:38:11 20           **Q.**     Got it.

15:38:12 21           **A.**     Yes.

15:38:12 22           **Q.**     While we're on the subject, I thought I  
15:38:38 23 would bring out these additional documents.

16:14:39 1           **A.**     Yes.

16:14:40 2           **Q.**     Is that when your direct contact with  
16:14:43 3 Dr. Noonan stopped?

16:14:43 4           **A.**     Correct.

16:14:44 5           **Q.**     Okay. And then the last point is  
16:14:49 6 Wednesday, 3/20/2019, statement obtained via phone  
16:14:54 7 from, and then there's a blank -- or it's blacked  
16:14:58 8 out. Do you see that?

16:14:59 9           **A.**     Yes.

16:14:59 10          **Q.**     Who is that individual?

16:15:02 11          **A.**     I believe it was [REDACTED] 

16:15:10 12          **Q.**     And did [REDACTED] provide you with a  
16:15:16 13 statement in writing, or was it a verbal statement  
16:15:19 14 over the telephone?

16:15:20 15          **A.**     It was a verbal statement over the  
16:15:22 16 telephone.

16:15:22 17          **Q.**     And was that memorialized in any of the  
16:15:24 18 documents that we've discussed today?

16:15:28 19          **A.**     I believe so. It is in the  
16:15:36 20 investigation summary. I believe it's in the  
16:15:38 21 master summary.

16:15:40 22          **Q.**     And so the master summary would be  
16:15:44 23 Plaintiffs' 74? I think we agreed the master

16:15:49 1 summary was 74 and 85 combined, right?

16:15:53 2           **A.** They're -- they're -- does that first  
16:15:57 3 statement include all of the statements from the  
16:16:02 4 students that -- because what you have is not the  
16:16:06 5 full comprehensive.

16:16:07 6           There was one comprehensive document that  
16:16:10 7 included both of those pieces but also all of my  
16:16:14 8 summary notes from the meetings with each student.

16:16:20 9           **Q.** Such --

16:16:20 10          **A.** So you --

16:16:21 11          **Q.** How about -- can I refer to you  
16:16:23 12 Plaintiffs' 73.

16:16:26 13          **MR. D'ANTONIO:** If we can find it.

16:16:32 14          **THE WITNESS:** That's why I keep referring to  
16:16:34 15 this master document.

16:16:34 16          **MS. NANAU:** Sure.

16:16:35 17          **THE WITNESS:** That's what my -- my master --  
16:16:38 18 my whole summary was in one large -- large summary.

16:16:43 19           (Off the record: 4:16 p.m.)

16:17:03 20           (On the record: 4:17 p.m.)

16:17:04 21          **MR. D'ANTONIO:** All right. I've handed her  
16:17:06 22 Exhibit 73.

16:17:11 23          **MS. NANAU:** Thank you.

16:18:14 1           **THE WITNESS:** These are all the individual  
16:18:18 2 notes, but in the -- there is one final summary of  
16:18:23 3 everything that also had an additional note, I  
16:18:29 4 believe, from [REDACTED] and it says verbal statement  
16:18:33 5 provided --

16:18:37 6           **BY MS. NANAU:**

16:18:37 7           **Q.** Okay.

16:18:38 8           **A.** -- by [REDACTED], and I -- if I'm  
16:18:44 9 remembering that name correctly.

16:18:45 10          **MR. D'ANTONIO:** It is -- no, that's --  
16:18:47 11 you're correct. I mean, there is an [REDACTED]  
16:18:51 12 that's involved.

16:18:52 13          **THE WITNESS:** Yes.

16:18:52 14          **BY MS. NANAU:**

16:18:53 15          **Q.** Well, Ms. Walleshauser, I will  
16:18:56 16 definitely look out for that. I don't -- sitting  
16:18:59 17 here right now looking at my Exhibits that I've  
16:19:02 18 prepared to question you about, I don't think I  
16:19:05 19 have that.

16:19:05 20          But now that you've advised me that there  
16:19:12 21 was a phone call between you and [REDACTED] do  
16:19:15 22 you -- do you remember if you had handwritten notes  
16:19:20 23 or typed notes regarding the call that you had with

16:19:25 1 Ms. Bagen?

16:19:27 2 **A.** I -- I am not certain.

16:19:28 3 **Q.** Okay. During your initial meeting with  
16:19:38 4 the students who came forward in January and  
16:19:41 5 February of 2019, the students raised various  
16:19:47 6 concerns they had about how their academic -- how  
16:19:59 7 their -- I guess their educational experience at  
16:20:03 8 Canisius would be affected by their complaints  
16:20:07 9 about Dr. Noonan, correct?

16:20:09 10 **MR. D'ANTONIO:** Objection to form.

16:20:14 11 **THE WITNESS:** They expressed concerns to me  
16:20:19 12 about how them coming forward would impact their  
16:20:22 13 academics?

16:20:22 14 **BY MS. NANAU:**

16:20:23 15 **Q.** Yes.

16:20:24 16 **A.** Yes.

16:20:24 17 **Q.** Okay.

18 **The following was marked for Identification:**

19 **PLF. EXH. 86**

**Dr. Noonan-Next**

20

**Steps-2-14-19, Bates number**

21

**CANISIUS 000349**

16:21:06 22

16:21:06 23 **THE WITNESS:** Okay.

16:21:07 1 **BY MS. NANAU:**

16:21:07 2 **Q.** So I show you what's been marked as  
16:21:09 3 Plaintiffs' 86. It's a one-page document, and the  
16:21:12 4 Bates stamp is CANISIUS 349.

16:21:15 5 This is a typewritten document. Are these  
16:21:16 6 your notes?

16:21:17 7 **A.** Yes.

16:21:17 8 **Q.** Okay. So the top of the document says  
16:21:21 9 Dr. Noonan Next Steps 2/14/2019 -- or 2/14/19,  
16:21:27 10 correct?

16:21:28 11 **A.** Correct.

16:21:28 12 **Q.** And the first point is:

16:21:30 13 Address academic backup plan for all area  
16:21:34 14 class, research team, work-study students, and  
16:21:40 15 Project Tiger.

16:21:41 16 Did I read that correctly?

16:21:42 17 **A.** Yes.

16:21:47 18 **Q.** Were these next steps that you would  
16:21:52 19 address, or were these next steps that Canisius as  
16:21:55 20 a whole had to address?

16:21:57 21 **A.** Canisius as a whole --

16:21:58 22 **Q.** Okay.

16:21:58 23 **A.** -- had to address.

16:22:00 1           **Q.**     So with regard to addressing a backup  
16:22:05 2 plan for all area class, research team, work-study  
16:22:10 3 students, and Project Tiger, who was ultimately  
16:22:12 4 responsible for that?

16:22:13 5           **A.**     That would have been Dr. Sue Margulis,  
16:22:23 6 Dr. Liz Hogan, and Dr. Peter Schaber, who was the  
16:22:28 7 dean, and all of this would have been reviewed and  
16:22:32 8 discussed under the advisement of the  
16:22:34 9 vice-president, Dr. Margaret McCarthy.

16:22:38 10          **Q.**     The second point is IT backup plan,  
16:22:45 11 correct?

16:22:46 12          **A.**     Yes.

16:22:47 13          **Q.**     So there was a concern raised by the  
16:22:50 14 students regarding information they had on  
16:22:53 15 computers that were in Dr. Noonan's area in the  
16:22:57 16 ABEC department, correct?

16:22:57 17          **A.**     Yes.

16:23:00 18          **Q.**     And to your knowledge, those computers  
16:23:02 19 were backed up, correct?

16:23:04 20          **A.**     Correct.

16:23:04 21          **Q.**     And that -- those backups included the  
16:23:07 22 Project Tiger footage, correct?

16:23:09 23          **A.**     Correct.

16:23:09 1           **Q.**     Okay. And the third point is -- on  
16:23:15 2 your list is film footage from Project India; is  
16:23:21 3 that correct?

16:23:22 4           **A.**     Yes.

16:23:22 5           **Q.**     The students, when they came forward to  
16:23:24 6 discuss their concerns about Dr. Noonan's  
16:23:25 7 misconduct with you, they had concerns about  
16:23:28 8 whether or not they would be able to complete  
16:23:31 9 their -- their Project Tiger documentary, correct?

16:23:34 10          **A.**     Yes.

16:23:38 11          **Q.**     And the end result was that during the  
16:23:43 12 spring 2019 semester, they were not afforded the  
16:23:47 13 film footage, correct?

16:23:49 14          **MR. D'ANTONIO:** Objection, form.

16:23:52 15          **THE WITNESS:** I'm not certain that's  
16:23:54 16 correct. They were working very closely with  
16:24:00 17 Dr. Margulis and Dr. Hogan to identify the best way  
16:24:05 18 to proceed to complete the semester and all of  
16:24:09 19 these individual requirements and things they were  
16:24:12 20 concerned about.

16:24:13 21          **BY MS. NANAU:**

16:24:14 22          **Q.**     Were you -- were you involved in those  
16:24:15 23 discussions?

16:24:16 1           **A.**     I was not.

16:24:16 2           **Q.**     Okay. So you don't know one way or the  
16:24:18 3 other if they made the Project Tiger documentary  
16:24:28 4 during the spring of 2019, correct?

16:24:31 5           **A.**     Correct, I'm not certain.

16:24:33 6           **Q.**     Okay. So the fourth point here is:

16:24:39 7           Clarify document signed when students travel  
16:24:43 8 to India, medical authority.

16:24:46 9           Did I read that correctly?

16:24:47 10          **A.**     Yes.

16:24:48 11          **Q.**     What does that mean?

16:24:49 12          **A.**     So from my understanding, there was a  
16:24:50 13 release form that -- that the students were  
16:24:55 14 required to sign when taking a trip with -- with  
16:25:02 15 Dr. Noonan on these research trips.

16:25:05 16          **Q.**     Did you ever locate that medical  
16:25:08 17 release form? Do you know if it existed?

16:25:13 18          **A.**     I don't believe I located that form.

16:25:15 19          **Q.**     So you don't know whether or not it  
16:25:17 20 existed --

16:25:18 21          **A.**     No.

16:25:19 22          **Q.**     -- right? Then the next point is:

16:25:22 23          Clarify if any male students participate in

16:41:19 1        We were following the investigation  
16:41:20 2        protocols that were outlined in the antiharassment  
16:41:24 3        and discrimination policy, in conjunction with the  
16:41:27 4        New York State sexual harassment prevention policy,  
16:41:30 5        not the protocols that were outlined in the sexual  
16:41:33 6        and gender misconduct policy.

16:41:36 7           **Q.**    Okay. But I guess more specifically  
16:41:43 8        what I'm interested in is:

16:41:47 9            What specific accommodations did you tell  
16:41:50 10      the students who came forward in January or  
16:41:55 11      February of 2019 regarding Noonan's misconduct  
16:41:58 12      could be available to them?

16:41:59 13           Was that a discussion that was had?

16:42:01 14           **A.**    Can you clarify what you mean by  
16:42:03 15      accommodations?

16:42:03 16           **Q.**    Sure. Any kind of support that they  
16:42:07 17      could request that Canisius afford them in the wake  
16:42:10 18      of coming forward with a complaint.

16:42:13 19           **A.**    So I was aware that they were provided  
16:42:16 20      policies through a campus-wide communication when  
16:42:21 21      Connie and I were appointed to our interim roles  
16:42:27 22      from the office of the president.

16:42:28 23           I was also aware that all of those policies

16:42:30 1 were available to them on their student portal and  
16:42:35 2 the Canisius web.

16:42:35 3 I was also aware that our student -- our  
16:42:38 4 student counseling center had communicated it with  
16:42:42 5 the campus community about resources available.

16:42:44 6 I asked them through every meeting and email  
16:42:47 7 if they needed anything, to ask, and that we as --  
16:42:53 8 as the college were -- were here to support them.

16:42:57 9 **Q.** My question is a little different.

16:43:00 10 Did you ever tell the students who came  
16:43:03 11 forward in January and February of 2019 that they  
16:43:07 12 could request Canisius's support in the form of  
16:43:12 13 specific accommodations and provide them examples  
16:43:14 14 of what those accommodations could be?

16:43:17 15 **A.** I gave them general information and  
16:43:20 16 said if they needed any support, to -- to advise  
16:43:24 17 us.

16:43:25 18 **Q.** Okay. And so by providing the students  
16:43:29 19 with general information, you pointed them to the  
16:43:31 20 policies that you've already articulated, correct?

16:43:35 21 **A.** Yes.

16:43:35 22 **Q.** Okay. But my understanding is you  
16:43:38 23 didn't specifically discuss specific accommodations